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11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 LUIS CERVANTEZ,  
14 Plaintiff,  
15 vs.  
16 EDDIE SCOTT, et al.,  
17 Defendants.

CASE NO: 2:17-cv-00562-MMD-NJK

18 STIPULATION AND [PROPOSED]  
19 ORDER TO CONTINUE JURY TRIAL

20 Jury Trial: 2/07/2022 @ 9:00 AM  
21 Calendar Call: 1/31/2022 @ 1:00 PM

22 COMES NOW, Plaintiff Luis Cervantez ("Plaintiff"), by and through his counsel, the  
23 law firm of Hatfield & Associates., Ltd., appearing *pro bono publico*, and Defendants Eddie  
24 Scott, Kevin Patimeteeporn, and Timothy Dorion ("LVMPD Defendants") by and through their  
25 counsel, the law firm of Kaempfer Crowell, hereby stipulate and agree to a continuance of the  
26 jury trial currently scheduled on a three-week stack commencing on February 7, 2022 @ 9:00  
27 AM with the calendar call scheduled on January 31, 2022 @ 1:00 PM to the jury trial on **August**  
28 **22, 2022 @ 9:00 AM with the calendar call on August 15, 2022 @ 1:00 PM.**

This request is submitted pursuant to LR IA 6-1, 6-2 and LR II 7-1 and is the parties' first request for a continuance of jury trial [ECF #154] and [ECF #155] and to reschedule accompanying deadlines for submission of documents, etc.

1 District courts have inherent power to control their dockets. *Hamilton Copper & Steel*  
2 *Corp., v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d  
3 272, 273 (9th Cir. 1992). A motion for a continuance of trial should be granted for good cause.  
4 FED. R. CIV. P. 16(b)(4). "The determination of whether to grant a motion for trial continuance  
5 rests in the sound discretion of the trial court." *U.S. v. Makley*, 468 F.2d 916, 917 (9th Cir. 1972).  
6

7 The parties respectfully stipulate, agree, and request that the Court continue the trial and  
8 associated dates in this case. Plaintiff's counsel is representing Plaintiff pro bono in this  
9 prisoner's medical indifference case. Based upon information and belief, Plaintiff will be  
10 released from incarceration in July 2022 and it will be much more pragmatic for Plaintiff to be  
11 prepared for trial upon his release from incarceration than if Plaintiff is incarcerated. Because of  
12 this issue, Plaintiff's and defense counsel conferred and agreed to continue this trial until Plaintiff  
13 is released from incarceration.  
14

15 This request is not made for the purposes of undue delay and is brought in good faith.  
16 The Court and parties will not be prejudiced by this request, and it is surmised that judicial  
17 economy will be promoted with a continuance as Plaintiff will not require transport. The  
18 additional time will also allow the parties' counsel to meet and confer regarding pre-trial matters,  
19 to coordinate exhibits, and to facilitate a more effective trial. Furthermore, there should be no  
20 known inconvenience to the Court or parties, or any witness as a result of this request for a  
21 continuance. This will allow the parties more time to prepare for trial, which will result in a  
22 more organized and efficient trial. Furthermore, a continuance would grant the parties additional  
23 time to re-open settlement negotiations and explore the possibilities for a settlement agreement  
24 prior to trial. The parties will in good faith use additional time to discuss possible ways to  
25 resolve this matter before trial. Accordingly, the parties assert that the requisite good cause is  
26 present to justify continuance pursuant to FED. R. CIV. P. 16(b)(4). Therefore, the parties  
27  
28

respectfully request that this Court continue the trial in this case and the associated dates. The parties offer the following suggested trial date after consultation with the Court's clerk: 1.

**August 22, 2022 @ 9:00 AM with the calendar call on August 15, 2022 @ 1:00 PM.**

DATED this 15<sup>th</sup> day of December, 2021

DATED this 15<sup>th</sup> day of December, 2021

**HATFIELD & ASSOCIATES**

**KAEMPFER CROWELL**

/s/ Trevor J. Hatfield  
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*Attorneys for Defendants Eddie Scott, Kevin  
Patimeteeporn, and Timothy Dorion*

**ORDER**

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE

Dated: 12/20/2021

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